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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,725	08/22/2001	Steve Everett		2061

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Austin, TX 78723

EXAMINER

POE, MICHAEL I

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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13

DATE MAILED:

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Commissioner for Patents

The reply filed on November 29, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): (1) it fails to include a clean version of claim 12 to be added as required by the old rules at the time of submission; and (2) the added subject matter, in the marked-up version of the claims, is indicated with brackets rather than underlining. Therefore, claim 12 cannot be entered and the reply must be considered non-responsive. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to provide a new reply in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Note that, as of July 30, 2003, the rules for the formatting of replies have changed. As such, the new reply must be formatted as set forth hereafter. Under the new rules, amendments to the claims must comply with 37 CFR 1.121(c) which states:

(c) Claims. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) When claim text in clean version is required. The text of all pending claims not being currently amended shall be

presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4) When claim text shall not be presented; canceling a claim.

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number.

Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Note further that claim 12 as presented in the marked up version of the reply filed on November 29, 2002 would not be a proper linking claim that links the method and apparatus claims of the instant application. Specifically, the linking claim must be an apparatus claim and not a method claim. Below are examples of a method claim, an apparatus claim and a proper linking claim that links that method and apparatus:

METHOD CLAIM:

1. A method for manufacturing a concrete block comprising:
mixing a plurality of ingredients to form a concrete slurry;
pouring the slurry into a mold;
vibrating the mold; and
curing the concrete slurry.

APPARATUS CLAIM:

2. An apparatus for manufacturing a concrete block comprising:
a mixing station for mixing a plurality of ingredients;
a mold;
a vibrator for vibrating the mold; and
a curing station for curing the concrete slurry.

LINKING CLAIM:

3. An apparatus for manufacturing a concrete block comprising:
means for mixing a plurality of ingredients to form a concrete slurry;
means for pouring the slurry into a mold;
means for vibrating the mold; and
means for curing the concrete slurry.


If the applicant wishes for the method and apparatus claims in the instant application to be linked, the applicant must present a proper linking claim modeled after the form shown above in the new reply. The applicant's new reply must also include an election in response to the restriction requirement whether or not a proper linking claim is presented. The applicant must further indicate with which invention any claims added in the new reply should be grouped.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (703) 306-9170. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (703) 305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.


Michael Poe/mip


MARK EASHOO, PH.D
PRIMARY EXAMINER
Art Unit 1732
12/Dec/03